

In The United States District Court
For The Southern District of Texas
Houston Division

United States District Court
Southern District of Texas
FILED

FEB 05 2018

David J. Bradley, Clerk of Court

Maranda Lynn O'donnell, et al., §

On behalf of themselves and
all others similarly situated, §

Plaintiffs, §

vs.

§ Civil Action No. H-16-1414

Harris County, Texas, et al., §

Defendants. §

§

§

Plaintiff's Second Motion for Judgement

On the Pleadings as a Matter of Law With

Written Objections to Any Settlement Without the
Awarding of Monetary Damages to All Plaintiff's
and

Plaintiff's Motion to Amend the Original

§ 1983 Complaint With

Written Objections and Brief in Support

To The Honorable Lee H. Rosenthal, Presiding Chief United States District Judge:

Plaintiff Devin Paul Cole, pursuant to Rules 15(a), 19(a) and 56(c)(2)(f) of the Federal Rules of Civil Procedure respectfully moves and requests this court for a judgement on the pleadings and leave of the court to appropriately amend the complaint(s) and to add a party.

1. Plaintiff Devin Paul Cole should be added to the consolidated class of plaintiffs.

2. A hearing and briefing of all Plaintiffs with appointed counsel present should be ordered where civil rights project lawyers representing plaintiffs should adequately explain to their clients their federal due process and equal protection rights to sue all defendants in their individual capacities for reasonable monetary damages and not just injunctive relief. Citing the 14th Amendment to the United States Constitution and Title 42 U.S.C § 1983; and citing 2016 WL 7337549 and Plaintiff's factual claims arising between April and December of 2015 and January 2016.

3. O'donnell, Ford, McGrath Gruder and Cole should be allowed to sue for and be subsequently awarded \$100,000⁰⁰ each or \$400,000⁰⁰ cumulatively which is "extremely reasonable" in light of the \$2 Million Dollars Ed Emmett and Harris County Commissioners have already "wastefully" spent paying Attorney Charles Cooper to file "Frivolous-Meritless" appeals that both the United States Supreme Court - Justice Thomas and the Fifth Circuit - United States Court of Appeals have denied which also support the Granting of these motions.

4. Codes claims more central to core "equal protection and due process" concerns at the federal level, mandatory denial of PR Bonds to the homeless, are inherently at the

heart of invidious discrimination prohibited in the United States by the 14th Amendment which obviously has little importance to Defendants. How could it? They have law degrees. They know the law and constitution much better than the average person yet they "create, control, and practice policies" that directly violate the 14th Amendment with very little remorse or concern for their illegal and unconstitutional conduct.

4. To the extent the PLRA is implicated, if at all the filing fee has already been paid, the dates and times of the constitutional violations "do not involve" conditions of confinement in a jail or prison, and the granting of relief would not imply the invalidity of the felony conviction I am confined under currently.

5. Furthermore, I refuse to consent to or agree to any settlement without the mandatory award of \$100,000⁰⁰ in monetary damages for each plaintiff. Additionally, if this not accomplished between now and October 18th, 2019 (the date of my release) my original complaint is filed within the 2 (two) year Statute of Limitations. Equitable tolling due to imprisonment with respect to future litigation post 10/18/2019 should be favorable to plaintiff and once I am released. All post release filings are completely immune from any PLRA requirements.

The PLRA does not apply to any person no longer confined in prison or jail. Harris County (Defendants) are only postponing the inevitable. See Plaintiff's Exhibit-A- attached Time Credit Slip showing Release Date.

Plaintiff cites Foman v. Davis, 371 U.S. 178, 182(1962) and Haines v. Kerner. (Liberal construing of Pro Se pleadings.) This Court should grant freely leave to amend a complaint. Citing Rules 15(a), 19(a) and Rule 56(c)(2) and(f).

Judgement in favor of Plaintiff's after necessary amendments should be granted citing fundamental fairness equal protection and due process of law. U.S.C.A. 14.

Wherefore , premises considered , plaintiffs make this Court to grant all relief sought herein respectfully and for such further relief to which they may be entitled in these proceedings that law and justice demand.

So moved and prayed Plaintiff's pray for all relief sought herein.

"Executed and Sworn
to on this 29th day
of January, 2018."

Respectfully submitted,
Devin Paul Cole
Devin Paul Cole - TDC#2168076
Plaintiff

"I, Devin Paul Cole, TDCJ #2168076, an inmate confined in the Stiles Unit of TDCJ-CID in Jefferson County, Beaumont, Texas declare under penalty of perjury that the above and foregoing Motion for Judgment on the Pleadings, Motion to Amend, etc., is in all things true and correct."

"Signed on January 29th, 2018, @ Stiles Unit under penalty of federal perjury laws."

Devin Paul Cole / Devin Paul Cole

Plaintiff - Pro Se

TDCJ # 216 8076

H-16-1414 (H-16-1414)

Odomnell vs. Harris County

Plaintiff's Exhibit-A

TDCJID: #2168076 NAME: COLE, DEVIN PAUL
UNIT BYRD *Stiles now*
SENT. BEGIN DATE 10/20/2016 TDC RECEIVE DATE 12/19/2017
INMATE STATUS LINE CLASS I W LAST PCR REQUEST 12/20/17

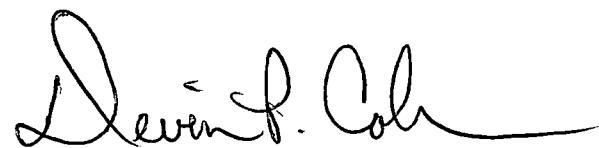
SENT. OF RECORD	00003	YRS 00	MOS 00	DAYS 00	MAND %	SUPV %	PAROLE %	
FLAT TIME SERVED	00001	YRS 02	MOS 28	DAYS 00	041 %	041 %	041 %	
GOOD TIME EARNED	00000	YRS 09	MOS 28	DAYS 00	000 %	027 %	020 %	
WORK TIME EARNED	00000	YRS 07	MOS 13	DAYS 00	000 %	020 %	020 %	
MAND SUPV TIME CREDITS	00001	YRS 02	MOS 28	DAYS 00	041 %	000 %	000 %	
PAROLE TIME CREDITS	00002	YRS 08	MOS 09	DAYS 00	000 %	000 %	000 %	
MINIMUM EXPIRATION DTE:	10/20/2019					<i>Release Date 10/18/19</i>		
MAXIMUM EXPIRATION DTE:	10/20/2019							

JAIL GOOD TIME RECD YES
GOOD TIME LOST 00000 DAYS
PAROLE STATUS BPP DATE

NUMBER OF DETAINERS 00
WORK TIME LOST 00000 DAYS
TDC CALC DATE 10/20/2018

*CALC PAROLE ELIG ON CALENDAR TIME

REQUEST
CONDUCT RECORD:



*United States Court of Appeals
Southern District of Texas
FEB 05 2018
David J. Bradley, Clerk of Court*

Devin Paul Cole
TDCJ # 2168074
Shles Unit
3060 FM 3514
Beaumont Texas 77705



FEB 05 2010

David J. Bradley, Clerk of Court

Mr. David J. Bradley

Clerk of Court United States
District Court Southern District

P.O. Box 61010

Houston, Texas 77208

Legal

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